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In re Application of: SHUKER, John :
U.S. Application No.: 09/622,674 : DECISION ON PETITION
PCT No.: PCT/GB99/00522 :
International Filing Date: 19 February 1999 :
Priority Date: 20 February 1998 :
Atty Docket No.: 16210-0107 :
For: A HINGE ASSEMBLY :
:

This decision is issued in response to the "Response To Notification Of Abandonment" filed 27 May 2003, treated herein as a petition under 37 CFR 1.181 to withdraw the holding of abandonment based on applicant's filing of a timely response to the Notification Of Missing Requirements. No petition fee is required.

BACKGROUND

On 19 February 1999, applicant filed international application PCT/GB99/0522. The international application claimed a priority date of 20 February 1998, and it designated the United States. On 26 August 1999, the International Bureau (IB) communicated a copy of the international application to the United States Patent And Trademark Office (USPTO).

On 17 September 1999, applicant filed a Demand for International Preliminary Examination that elected the United States. The deadline for submission of the basic national fee was therefore extended to thirty months from the priority date, i.e., 21 August 2000 (20 August 2000 was a Sunday).

On 21 August 2000, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 07 September 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 was required.

On 10 December 2002, applicants filed a "Request For Filing Receipt," requesting that a filing receipt be issued in the present application.

On 25 April 2003, this Office mailed a Communication informing applicant that the application file did not contain a response to the Notification Of Missing Requirements mailed

07 September 2000 and that the present application was therefore abandoned for failure to file a timely response to the Notification Of Missing Requirements.

On 07 May 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Abandonment (Form PCT/DO/EO/909) confirming that the application was abandoned for failure to respond to the Notification Of Missing Requirements.

On 27 May 2003, applicants filed the "Response To Notification Of Abandonment" considered herein as a petition to withdraw the holding of abandonment under 37 CFR 1.181. The petition asserts that applicants filed a timely response to the Notification Of Missing Requirements, including an executed declaration. Attached to the petition is a copy of the response, including the executed declaration, as well as a copy of a return postcard that itemizes the declaration and bears a USPTO receipt stamp dated 02 October 2000.

DISCUSSION

Based on the statements in the present petition, and the attached return postcard bearing the 02 October 2000 USPTO receipt stamp, it is concluded that the materials attached to the present petition (including the executed declaration) were originally filed herein on 02 October 2000 as a timely response to the Notification Of Missing Requirements mailed 07 September 2000 (see MPEP section 503).

A review of the declaration attached to the petition confirms that the declaration is in compliance with 37 CFR 1.497.

The Notification of Abandonment mailed 07 May 2003, based as it was on applicants' purported failure to file a timely and proper response to the Notification Of Missing Requirements mailed 07 September 2000, is appropriately vacated.

CONCLUSION

The petition to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 07 May 2003 is hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 02 October 2000.



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